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ABSTRACT

One of 52 theoretical papers on school crime and its relation to poverty, this chapter presents a model of negotiation as a means to resolve school conflict. The assumption is that school conflict is inevitable, but student delinquency is not. Delinquent behavior results from the way that the school deals with conflict. Students resort to delinquent behavior in dealing with conflict because of the lack of opportunity in the school for students verbally to express anger as specific formal grievances; to hear both parties to conflicts express their grievances; and to participate in making decisions on matters that affect their interest and welfare. The school, by punishing delinquent behavior while ignoring its causes, escalates anger, polarizes conflict, and then resorts to the use of more and more avoidance and force to resolve conflict. In the model of negotiation suggested, both sides should (1) provide direct verbal expression of anger over specific issues; (2) analyze the conflict in terms of the issues stated by each side and in terms of the protection of each side's civil rights and civil liberties; (3) agree to common statements of issues; (4) agree to gains and concessions for each side; (5) agree to each side's responsibilities for implementing agreements; and (6) agree to the time and criteria for evaluating implementation. An example illustrates the use of the negotiation model. (Author/MLF)

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NEGOTIATING SCHOOL CONFLICTS

TO PREVENT STUDENT DELINQUENCY

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Student Delinquency

Definition of the Problem

Student delinquency refers to ways in which minor students break rules and laws in their schools. Common acts of student delinquency are: failing to go to school and attend classes; using prohibited substances, such as alcohol and drugs; disrupting classes and assemblies; sexual acts; stealing and destroying property of the school, of school personnel, and of other students; burglarizing the school; and committing acts of physical violence against school personnel and other students.

A study by the Senate Subcommittee on Juvenile Delinquency reported vandalism in public schools cost taxpayers $500,000,000 a year (De Cecco & Richards, 1975a). In a five-year period (1970 through 1975), there were 70,000 serious assaults on teachers, an increase of 77.4%. Assaults on students increased by 85.3%, robberies by 36.7%, rapes and attempted rapes by 40.1%, homicides by 18%, and weapons confiscated by 54.4%.

School teachers and officials have tried to deal with the problem of student delinquency by avoidance and by force. One type of avoidance by school personnel is denying that serious conflict with students exists. Denial

by teachers takes the form of ignoring student tardiness and absenteeism, class disruptions by students, and failures in teaching and learning. Denial by school officials takes the form of ignoring delinquent conduct in such places as halls, restrooms, and school property.

School personnel also avoid conflict by denying professional or institutional responsibility for resolving it. Responsibility is denied by blaming school conflict on forces outside the school; the blame for tensions in the school is placed on ethnic, racial, political, and economic pressures.

When avoidance fails to prevent student delinquency, school personnel resort to the use of institutional force. Teachers employ force when they use school work as punishment, humiliate students in front of peers, ban them from classroom attendance, and refuse to teach. School officials use force when they restrict student movement by closing the campus, deny work permits, schedule classes inflexibly, and remove recalcitrant students from the school. Both teachers and school officials use institutional force when they detain students and/or use physical threat and attack.

The use of force by school personnel can escalate rather than resolve conflict (De Cecco & Richards, 1974).

One student described a conflict in which the threat of force by the principal resulted in the threat of force by the student.

> When I was 15, one day while walking in the corridors going to class I crossed the senior garden. I was pushed and then punched, then when I was finally pushed out I was seized by the school officials and taken to the office. While I was in the office, the principal scolded me for crossing the garden and threatened to suspend me. I also threatened the senior that pushed me. The principal threatened that if I should lay a hand on the student I would be expelled. He could have at least interrogated the other student but instead he released him almost immediately. (p. 124)

School officials, fearing the escalation resulting from use of their own authority, may call the police. One student described how the use of force by police in the school escalated students' anger to the bursting point (De Cecco & Richards, 1974).

> Right now a "crisis" is happening in our school. All of a sudden the police just came into our school and now our school is loaded with policemen, who, for absolutely no reason at all, are insulting and mistreating the students. It seems that the students that have a free period during school have a big problem.

> If they leave school, they are called cutting. If they stay in the lobby they are kicked out of school, and if they stay out in front of the school, they are eligible to be arrested for "loitering." Yesterday, my sister was cursed at and shoved around by a policeman for standing on the side on the school. Today the students had a strike. I really wanted to go, but having a 7th period I would have been called cutting, and I can't afford to have a bad record.... The police have made us damn mad and our hate will burst out of us soon. (pp. 118-119).

Cutting and loitering are examples of student delinquency. The use of force in this incident did stop delinquency, but increased anger. If that anger explodes, student delinquency will increase.

Avoidance and force focus on delinquent behavior. Delinquent behavior results from the way in which the school deals with conflict. Our assumption is that school conflict is inevitable, but that student delinquency is not.

There are three sources of school conflict. One source is the students' challenge of authority. The period of adolescence is the time for development of individuality. This development involves redefining relationships to authority. This involves challenging

authority, and the school represents authority for the student. The school, however, is responsible for socializing the student. To fulfill this responsibility, the school must teach and must exemplify the social order. In exemplifying the social order the school has the responsibility to exercise authority over students.

A second source of conflict stems from social differences that exist within the school. Students come from families that differ in ethnic, racial, and religious backgrounds, in socioeconomic status, and in political influence. Minority students may have backgrounds that differ from those of school personnel. Conflicts arise when either students or school personnel try to impose their lifestyles and values on each other.

A third source of conflict stems from the continued entry of new students into and departure of old students from the school. Resolutions of conflict that were agreeable to departing students may be unacceptable to entering students. Conflict resolution, therefore, is an ever-recurring process.

Theories of Student Delinquency

Why do students resort to delinquent behavior in dealing with conflict? One reason is the lack of opportunity

in the school for students verbally to express anger as specific formal grievances. This explanation is based on the hydraulic model of emotional expression. In this model emotions that are not verbally expressed in one situation will be verbally or physically expressed in another situation. Anger that students are prevented from verbally expressing in classrooms, meetings, and interviews with school personnel may take the form of destructive behavior. The anger may be displaced and result in such acts of delinquency as physical attacks on other students and destruction of school property.

The direct verbal expression of anger by students to teachers and school officials is discouraged when school personnel use avoidance and force. Anger expressed by students as grievances may be ignored or labeled by school personnel as improper behavior and disrespect for authority. When direct verbal expression of anger is blocked, students may displace anger and commit acts of school delinquency. The school, in turn, by ignoring or punishing the delinquent behavior, increases the anger of all parties.

A second reason students may resort to delinquent behavior is the lack of opportunity in school for students to hear both parties to conflicts express their grievances.

Research on decentering indicates that adolescents have the ability to view conflicts from the point of view of others as well as of themselves (De Cecco & Richards, 1974; Richards & De Cecco, 1975). To develop this ability to decenter, students must have the opportunity to express their grievances and listen to school personnel express theirs. The confrontation allows students to view the conflict from both sides and to recognize the other side's right to express anger and state its own issues. When the school fails to provide this opportunity for direct exchange, students are left with the belief that their side of the conflict is the only right side and that their delinquent behavior is justified.

A third reason students resort to delinquent behavior is their lack of opportunity to participate in making decisions on matters that affect their interest and welfare. The major purpose of the nation's schools is to educate students to be responsible citizens of a democracy. Since students should learn democratic behavior from school experience, the school should exemplify democratic governance. To teach democracy the school must practice democracy.

To teach students democratic behavior, the school must provide them opportunities to recognize, respect,

and protect the civil rights and civil liberties of all individuals in the school. These include the rights to dissent, to procedural and substantive due process, to equality, and to privacy. Dissent refers to the right to free speech and association, to criticize, and to petition. Substantive due process refers to the right to an education and the opportunities education provides. Procedural due process refers to the right to answer charges of wrongdoing before punishment is considered or imposed. Equality refers to the right to the same opportunities, regardless of ethnic or racial background, social class, religion, biological sex, and sexual orientation. Privacy refers to the right to control access to one's body and to information about oneself.

A study of over 6,000 students in the New York, Philadelphia, and San Francisco metropolitan areas showed that students were able to identify which civil rights and liberties were issues in conflicts with other students and with school personnel (Richards & De Cecco, 1975).

If the school does not provide opportunities for students to recognize and protect civil rights and civil liberties, students may view the school as an authoritarian

and lawless institution. In not providing a forum for dissent, the school allows the views, values, and interests of the more influential to be imposed on the less influential individuals and groups. In not providing for substantive due process, it creates an opportunity for its disciplinary and administrative functions to take precedence over its educative functions. In depriving students of grievance and appeals procedures, the school may foster the belief that the individual is guilty until proven innocent. In failing to provide equality of opportunity, it encourages the belief that some individuals and groups have the right to opportunities that are denied to others. In not protecting the privacy of students, the school may promote disrespect for an individual's right to personal dignity and confidentiality.

We have provided three explanations for student delinquency. The school, by punishing delinquent behavior while ignoring its causes, escalates anger, polarizes conflict, and then resorts to the use of more and more avoidance and force to resolve conflict.

Model of School Negotiation

In this section we will describe a model of negotiation suggested as an alternative to the use of avoidance and

force in resolving school conflict. The model is based on the study and analysis of school conflict (De Cecco & Richards, 1974). For the use of this model, conflict is defined as a series of related incidents in which at least one party takes action against the other party. The model has the following six steps:

(1) Both sides should provide direct verbal expression of anger over specific issues.

(2) Both sides should analyze the conflict in terms of the issues stated by each side and in terms of the protection of each side's civil rights and civil liberties.

(3) Both sides should agree to common statements of issues.

(4) Both sides should agree to gains and concessions for each side.

(5) Both sides should agree to each side's responsibilities for implementing agreements.

(6) Both sides should agree to the time and criteria for evaluating implementation.

The first step requires the parties to have face-to-face confrontation, to use the appropriate language and level of emotional expression for expressing anger, and to state issues in terms of the conflict incidents.

The second step requires parties to identify the issues, as perceived by each side, and to identify the civil rights and liberties that may have been violated.

Whereas taking step one is more emotional than cognitive, taking step two is more cognitive than emotional. Taking both steps helps each side to integrate the feelings and thoughts generated by the conflict and thus leads to behavior that is under the rational control of each party.

The third step requires each side to establish the priority of its issues, if there is more than one. It also requires both sides to limit negotiation to specific issues contained in common, written statements. Statements need to be written jointly since the very act of agreeing to the words to appear in statements provides parties the initial opportunity to move from confrontation to negotiation. This helps both parties to the conflict recognize that, although they disagree, they can still negotiate.

The fourth step requires each party to list its proposed resolutions, to identify the gains and losses for each side for each proposal, and to rank the proposals so that critical gains are clearly indicated. On the basis of this information parties can bargain

and arrive at compromises acceptable to both sides.

The fifth step requires both parties to agree to each side's specific responsibilities for implementing agreements. This requires the assignment of tasks to each party, the determination of times when tasks are to be completed, and the determination of the action that will be taken by the other party if the responsible party fails to perform or complete these tasks.

The sixth step requires that both parties agree to the times, places, and criteria for evaluating the implementaion of agreements. This step is important because it provides the opportunity to negotiate issues left unresolved or to raise new issues.[1]

An example of an attempt to use the negotiation model occurred in a home economics class in a junior high school. The teacher described the conflict and negotiation as follows (De Cecco & Richards, 1975b):

> It was an eighth-grade home economics class meeting twice each week, Tuesday and Thursday, for 90 minutes. Self-contained classes except for special activities. Students were of fairly

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[1] The authors gratefully acknowledge the help of James Rudolph for the analysis of each step of the model.

low SES level -- black, brown, and white. Thursday afternoon was the last 90-minute period of the day. Students were disruptive. Could not settle down. It took 15 to 20 minutes before we could get down to work. This had been happening for three to four weeks. Thursday evenings I was a basket case. They had been good on Tuesdays but disruptive on Thursdays.

One Tuesday I told them something was happening to me on Thursdays that was getting to my family. I was actually too tired on Thursdays to cook dinner. I asked them if they could help me figure out a solution to the problem of the way I felt on Thursdays. Then I said, "Part of the puzzle is why you get right down to work on Tuesdays and on Thursdays it takes half the period for you to settle down. So we don't have much time for our class activities."

They said that right after lunch they went directly to art class and that the art teacher would not let them talk for that 90-minute period. Then they went directly to home economics. They said, "We've got to talk sometime."

I did not allow any put-down of the art teacher placing the blame on her. I said, "You've told me your problem. Let me tell you mine. I come early to school on Thursday mornings for faculty meetings. I have no prep period on Thursdays. And my lunch hour is for playground duty on Thursdays. When you come in so noisily at the end of the day I actually develop a headache. I am beaten by the time I get home. What can I do?"

> I wrote their suggestions on the chalkboard. One student suggested that I go to bed early on Wednesdays. Another suggested that I trade playground duty with another teacher on Thursdays. Another that I ask my family to help cook dinner on Thursdays.
>
> I said, "I promise I will follow your suggestions. If I give you five minutes at the beginning of class to let off steam, do you think we could settle down to business?"
>
> They said they would try it. We agreed to try it for a week and then discuss it. We did try it and it worked for the rest of the semester. My classroom was next to the library in an old building with thick walls. I had to explain to the librarian before we allowed it to happen. When they came into the room they could let out as much noise as they wanted. As long as they knew they could do this for five minutes, they got more and more quiet. Talking replaced yelling after a while. (p. 25)

No example we have yet found is perfect, but this one follows the model fairly closely. The students conveyed that they needed to talk sometimes. The teacher conveyed that she needed to get class under way without the usual disruptions and delay. Both were somewhat indirect in the expression of anger. The students appeared to blame the art teacher. The home economics teacher disguised her anger as helplessness.

Both parties agreed to both issues: the students' need to have some time to talk and yell, and the teacher's need to start the class on time. Both arrived at a set of concessions: The teacher gave up five minutes of quiet at the beginning. The students gave up wasting the first half hour of the period. They also agreed to a plan of implementation--including an agreed-upon time to evaluate the new arrangements.

Use of Negotiation to Prevent Student Delinquency

How can the use of this model of school negotiation prevent student delinquency?

The first step provides students the opportunity to express verbally rather than physically anger toward those whose actions precipitated it. It provides the further opportunity for each side to state its own and to listen to the other side state its own issues. By providing for the direct verbal expression of anger, the model reduces the necessity for students to displace that anger onto innocent victims and to express it in violent and destructive physical acts. By providing the opportunity for each side to state its own view of the issues, it reduces the need for students to impose their demands on other students and on the school.

The second step can also prevent student delinquency. When school personnel identify the civil rights and civil liberties of students that may have been abridged, they provide the students tangible evidence of their recognition and respect for students' rights. Respect shown by school personnel for the rights of the students can lead students to respect the rights of others. By identifying and listening to issues of conflict as expressed by both sides, students can learn how their actions affect others and how the actions of others could affect them.

The remaining steps provide the students with the experience of (1) seeing what can and cannot be changed at a given time, (2) seeing both sides gain and perhaps lose from the resolution of conflict, and (3) defining and taking on responsibilities for implementing and evaluating change.

Conclusion

A model of negotiation has been presented as a means to resolve school conflict. The model enables school personnel and students to deal with conflict in ways that develop democratic behavior, reduce the

use of avoidance and force, and prevent student delinquency.

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